

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

February 19, 2013

Lyle W. Cayce
Clerk

No. 12-50390
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RAFAEL RAMIREZ-PEREZ,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:11-CR-3090-1

Before KING, CLEMENT, and HAYNES, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Rafael Ramirez-Perez raises arguments that he concedes are foreclosed by *United States v. Gomez-Herrera*, 523 F.3d 554, 562-63 (5th Cir. 2008), which rejected the argument that the existence of fast track programs in some districts and not in others creates unwarranted sentencing disparities within the meaning of 18 U.S.C. § 3553(a)(6). The Government's motion for summary affirmance is GRANTED,

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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its alternative motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.